

**TESTIMONY OF JIM FURNISH, DEPUTY CHIEF FOR THE
NATIONAL FOREST SYSTEM
U.S.D.A. FOREST SERVICE
Subcommittee on Forests and Forest Health
Committee on Resources
U.S. House of Representatives**

May 3, 2000

MADAM CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to be here today to present the Administration's views concerning five bills:

H.R. 3657, to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes. We do not object to this bill if it is amended as suggested;

H.R. 3817, to redesignate the Big South Trail in the Comanche Peak Wilderness Area of the Roosevelt National Forest in Colorado as the "Jaryd Atadero Legacy Trail." We support this bill if amended as suggested;

H.R. 4226, the 'Black Hills National Forest and Rocky Mountain Research Station Improvement Act'. We support the goals of this bill and suggest amendments;

S. 439, to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada. We fully support this bill; and

S. 1374, the Jackson Multi-Agency Campus Act of 1999. We fully support this bill.

H.R. 3657

H.R. 3657 would direct the Secretary of Agriculture to convey a 1.06 acre parcel of National Forest System land in the San Bernardino National Forest to the owner of KATY 101.3 FM, an FM radio broadcast station. It would resolve a 4 year dispute between the Forest Service and KATY-FM over their unauthorized use and occupancy of National Forest System land.

The Administration would not object to this bill, if it is amended to include, as a condition of conveyance, the requirement that KATY provide evidence to the Secretary of KATY's legal title to all of the facilities (including those formerly owned by GTE and located on this parcel). Doing so will preclude any obligations or potential liabilities between GTE or other possible interests in the facilities located on this parcel, and the United States, when the United States conveys fee title of the parcel to KATY. With this amendment, the public will be protected and will benefit by the provision in H.R. 3657 that directs KATY's payment of the fair market value of the parcel, and \$16,600 in accrued rental fees be deposited into a special account. These funds would then be made available for the Secretary to expend for the acquisition of lands, waters, and interests in lands for inclusion in the San Bernardino National Forest.

H.R. 3817

H.R. 3817, a bill "To redesignate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado as the 'Jayrd Atadero Legacy Trail'," seeks to recognize the tragedy that occurred on October 2, 1999, when Jayrd Atadero, a three year old boy disappeared on this trail.

While we do not support the addition of permanent memorials and the changing of culturally significant place names, we also recognize the terrible loss suffered by the family and those who knew and loved Jaryd. We believe that some form of recognition that also helps to prevent future tragedies is a better way to recognize Jaryd's loss. The Administration would support the enactment of this bill if it was revised to eliminate the requirements to redesignate the name of the trail and to make the corresponding changes to all all references to the trail. We propose revising the bill to read as follows:

Sec. 2. SIGN

- (a) "The Secretary of Agriculture shall recognize the loss of Jaryd Atadero and the need for increased awareness of child safety in outdoor recreation settings by posting an interpretive sign at the Big South Trail trailhead that (1) describes considerations for safe outdoor recreation with children; and 2) refers to the tragic loss of Jaryd Atadero to underscore the need for such safety considerations; and includes a copy of this Act and an image of Jaryd Atadero.
- (b) The sign shall be placed at the trailhead for a period of not less than one year from the date of enactment of this bill."

H.R 4226

The bill would authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest. H.R. 4226 also would authorize the replacement of the Rocky Mountain Research Station Laboratory currently located in Rapid City, South Dakota, and require that a new facility be collocated with the improved facilities of the Black Hills National Forest.

Black Hills National Forest

The Administration supports the goals of H.R. 4226. The bill will allow the Black Hills National Forest to eliminate two leased offices in poor locations with an annual lease cost of \$150,000. It will also help to consolidate four administrative sites into two new offices that will provide adequate office space for employees. We believe the new offices will make the Black Hills National Forest employees more visible and available to assist the 4 million visitors to the area. H.R. 4226 will allow the Black Hills National Forest to dispose of administrative sites that are little used, in the wrong location, or have outlived their administrative need. This will save the taxpayers an estimated \$109,000 in annual maintenance costs and \$880,000 in deferred maintenance costs.

The Forest Service recommends the attached technical amendment to Section 2(a) of H.R. 4226 to correct the legal descriptions of the nine listed tracts.

Rocky Mountain Research Station

In addition, the Administration supports the goals of the provision of H.R. 4226 that authorizes \$2,100,000 for the replacement of the obsolete and deteriorating Rapid City research laboratory. We recommend that the bill be amended to delete the provision mandating collocation and replace it with language encouraging collocation, but also allowing discretion to build a separate research facility if collocation cannot be accomplished within a reasonably short time. We have concerns that the immediate need for a new lab may not be addressed as the Black Hills process of selling administrative sites and building new, consolidated ones could take more time than the laboratory could wait for a new facility.

The current building is in need of major repair. It does not meet current health and safety codes nor accessibility requirements of the Americans with Disabilities Act. Collocation of the Rapid City laboratory with the Black Hills National Forest appears to be a feasible alternative solution as it eliminates the need for an additional administrative

site. Collocation would save the taxpayers an estimated \$10,200 in annual maintenance costs and \$219,700.00 in deferred maintenance costs.

The Administration supports the goals of H.R. 4226 'Black Hills National Forest and Rocky Mountain Research Station Improvement Act'. We propose amendments to allow for a separate research lab facility if collocation is not possible within a reasonably short time and we also propose the attached technical amendment correcting legal descriptions of land parcels listed in the bill.

S. 439

The Administration supports S. 439. The bill would adjust the Toiyabe National Forest boundary from State Highway 395 to Foothill Road. Where there are no federal lands within the adjustment area, altering the boundary will facilitate the efforts of the local community, Douglas County, and the Bureau of Land Management (BLM) who are working together to secure conservation easements from the local ranchers.

S. 1374

The Administration supports S. 1374, the "Jackson Multi-Agency Campus Act of 1999." This bill would direct the Secretary of Agriculture to convey to the town of Jackson, Wyoming, certain parcels of federally owned land located in Teton County, Wyoming, in exchange for construction of facilities for the Bridger-Teton National Forest by the town of Jackson. The bill would also direct the Secretary to convey to the Game and Fish Commission of the State of Wyoming certain parcels of federally owned land in the town of Jackson in exchange for approximately 1.35 acres of land, also located in Jackson to be used in the construction of the facilities. The bill also would relinquish certain reversionary interests of the United States, held by the Department of Defense on lands currently owned by the State of Wyoming in order to facilitate the transactions.

This bill would facilitate an equal value land exchange that would result in a new facility to be used by the Forest Service, and would also provide for multi-agency uses such as

combined visitor information and interpretive services. A memorandum of understanding will be entered into by the Forest Service and the town of Jackson to deal with specific requirements related to the design and construction of the facility.

All the technical amendments suggested by the Forest Service at the Senate Committee on Energy and Natural Resources, Subcommittee on Forests and Public Land Management July 27, 1999 hearing have been incorporated into the bill, and the Administration now fully supports S. 1374.

This concludes my statement, I would be happy to answer any questions you and Members of the Subcommittee might have.

Attachment to May 3, 2000 Testimony

Proposed Technical Amendment to H.R. 4226

Amend subsection (a) of "**SEC 2. SALE OR EXCHANGE OF LAND, BLACK HILLS NATIONAL FOREST, SOUTH DAKOTA**" to read as follows:

(a) IN GENERAL - The Secretary may make technical corrections to any of the legal descriptions of tracts listed in (1) through (9) below. The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any or all right, title, and interest of the United States in and to the approximately 362 acres contained in the following tracts of land situated in the State of South Dakota:

- (1) Tract BLKH-1 "Spearfish Dwelling"(approximately 0.24 acres); N1/2 of Lot 8 and Lot 9 of Block 16, Section 10, T6N, R2E, Black Hills Meridian.
- (2) Tract BLKH-2 "Deadwood Garage" (approximately 0.12 acres); Lots 9 and 11 of Block 34, Section 23, T5N, R3E, Black Hills Meridian.
- (3) Tract BLKH-3 "Deadwood Dwellings" (approximately 0.32 acres); Lots 12-16, inclusive, of Block 44, Section 23, T5N, R3E, Black Hill Meridian.
- (4) Tract BLKH-4 "Hardy Work Center" (approximately 150 acres); E1/2SW1/4SE1/4, SE1/4SE1/4, Section 19; NE1/4NW1/4NE1/4, E1/2NE1/4SE1/4, E1/2SE1/4NE1/4, NE1/4NE1/4, Section 30, T3N, R1E, Black Hills Meridian.
- (5) Tract BLKH-6 "Pactola Work Center" (approximately 100 acres); W1/2SW1/4NW1/4, W1/2NW1/4SW1/4, W1/2SW1/4SW1/4, SE1/4SW1/4SW1/4, Section 25; E1/2NE1/4SE1/4, SE1/4SE1/4NE1/4, Section 26, T2N, R5E, Black Hills Meridian.
- (6) Tract BLKH-7 "Pactola Ranger District Office" (approximately 8.25 acres); Lot 1 of Ranger Station Subdivision, Section 4, T1N, R7E, Black Hills Meridian.
- (7) Tract BLKH-8 "Reder Administrative Site" (approximately 82 acres); Lots 6 and 7, Section 29; Lot A of Reder Placer, Lot 19, NW1/4SE1/4NE1/4, Section 30, T1S, R5E, Black Hills Meridian.
- (8) Tract BLKH-9 "Allen Gulch Properties" (approximately 21 acres); Lot 14 less and except Tract STA #0029, Section 25, and Lot 1, Section 36, T1S, R4E, Black Hills Meridian.

- (9) Tract BLKH-10 "Custer Ranger District Office" (approximately 0.39 acres);
Lots 4 and 9 of Block 125 and the East 15 feet of the vacated north/south
alley adjacent to Lot 4, City of Custer, Section 26, T3S, R4E, Black Hills
Meridian.